

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRUEPOSITION, INC.,

**Plaintiff and
Counterclaim-Defendant,**

v.

ANDREW CORPORATION,

**Defendant and
Counterclaim Plaintiff.**

Civil Action No. 05-00747-SLR

**ANDREW CORPORATION'S DAUBERT MOTION
FOR A RULING LIMITING THE TESTIMONY OF DR. BRIAN AGEE**

Pursuant to *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993), and Federal Rules of Evidence 403 and 702, Defendant and Counterclaim Plaintiff Andrew Corporation hereby moves for an order limiting the testimony of Dr. Brian Agee. The grounds for this motion are fully set forth in Andrew Corporation's opening brief and supporting papers filed contemporaneously herewith.

WHEREFORE, Defendant and Counterclaim Plaintiff Andrew Corporation respectfully requests that the Court grant this motion and enter the attached order limiting the testimony of Dr. Brian Agee.

Respectfully submitted,

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Dated: May 17, 2007

CERTIFICATE OF SERVICE

I, Andrew A. Lundgren, Esquire, hereby certify that on May 17, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on May 17, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following in the manner indicated:

**BY ELECTRONIC MAIL ON MAY 17, 2007 AND
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